

## The Gazette



## of India

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NEW DELHI, SATURDAY, MAY 19, 1956

## NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 12th May 1956 :—

Issue No.	No. and date	Issued by	Subject
41	No. 19-ITC (P.N.)/56, dated the 5th May 1956.	Ministry of Commerce and Industry.	Import of A. C. 3 phase, 50 cycles, squirrel cage motors 3 to 10 H. P., 1500 RPN(syn) for the period January to June 1956.
42	No. 20-ITC(P.N.)/56, dated the 7th May 1956.	Ditto .	Import of Cat and Rabbit Fur.
	No. 21-ITC(P.N.)/56, dated the 7th May 1956.	Ditto .	Import of Brass and Bronze valves and their component parts.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi, Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

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## PART I—Section 1

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court**

## LOK SABHA SECRETARIAT

New Delhi-1, the 8th May 1956

No. 105-PAC/56.—The following Members of the Rajya Sabha have been elected with effect from the 2nd May, 1956 to serve on the Committee on Public Accounts for the unexpired portion of the year 1955-56 in the vacancies caused on the 2nd April, 1956 by their retirement under Article 83(1) of the Constitution from the Rajya Sabha and *ipso facto* from the Committee:—

1. Diwan Chaman Lall.
2. Shri Ram Prasad Tamta.
3. Shri V. K. Dhage.

S. L. SHAKDHER, Joint Secy.

## MINISTRY OF HOME AFFAIRS

## CORRIGENDUM

New Delhi, the 10th May 1956

No. 17/8/56-AIS(III).—In the Ministry of Home Affairs Notification No. 17/8/56-AIS(III), dated the 5th May 1956, substitute the following 'Note' for the existing 'Note' under rule 5 of the Rules for the selection of candidates for appointment to the Indian Administrative Service by Special Recruitment from the open market.

NOTE.—The term "pay" used in (a) above includes only "dearness allowance".

P. PRABHAKAR RAO, Dy. Secy.

## MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 14th May 1956

No. F.3 (1)-F.I./56.—Statement of the Affairs of the Reserve Bank of India as on the 4th May, 1956.

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	7,17,57,000
Reserve Fund . . . . .	5,00,00,000	Rupee Coin . . . . .	3,77,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	10,00,00,000	Subsidiary Coin . . . . .	4,36,000
National Agricultural Credit (Stabilisation) Fund . . . . .	..	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	36,50,000
(a) Government :—		(b) External . . . . .	..
(1) Central Government . . . . .	55,84,66,000	(c) Government Treasury Bills . . . . .	9,85,42,000
(2) Other Governments . . . . .	18,11,78,000	Balances held abroad* . . . . .	40,05,31,000
(b) Banks . . . . .	49,40,33,000	Loans and Advances to Governments . . . . .	1,83,00,000
(c) Others . . . . .	14,10,25,000	Other Loans and Advances† . . . . .	76,88,81,000
Bills Payable . . . . .	5,39,12,000	Investments . . . . .	43,86,96,000
Other Liabilities . . . . .	35,71,27,000	Other Assets . . . . .	18,45,71,000
<b>TOTAL</b> . . . . .	<b>198,57,41,000</b>	<b>TOTAL</b> . . . . .	<b>198,57,41,000</b>

\*Includes Cash and Short term Securities.

†(1) The Item 'Other Loans and Advances' includes Rs. 42,64,79,000 advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

(2) The total amount of advances availed of by scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act since 1st January 1956 is Rs. 89,97,12,000.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of May, 1956

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	7,17,57,000		A.—Gold Coin and Bullion :—		
Notes in circulation . . . . .	1518,51,21,000		(a) Held in India . . . . .	40,01,71,000	
Total Notes issued . . . . .	1525,68,78,000		(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	681,44,72,000	
			Total of A . . . . .	721,46,43,000	
			B.—Rupee Coin . . . . .	105,53,18,000	
			Government of India Rupee Securities . . . . .	698,69,17,000	
			Internal Bills of Exchange and other commercial paper . . . . .	..	
<b>TOTAL LIABILITIES</b> . . . . .	<b>1525,68,78,000</b>		<b>TOTAL ASSETS</b> . . . . .	<b>1525,68,78,000</b>	

Ratio of Total of A to Liabilities : 472.88 per cent.

Dated the 9th day of May, 1956.

B. RAMA RAU, Governor.

H. M. PATEL, Secy.

**MINISTRY OF FINANCE**  
(Communications Division)

*New Delhi, the 4th May 1956*

**No. 2185(a)-C3/PT/56.**—The President hereby directs that the following further amendment shall be made in the Post Office 5-year, Cash Certificates Rules, namely:—

In the said rules in item (ii) of Note 2 below sub-rule (1) of rule 8 the word and figures "class II" shall be omitted.

**No. 2185(b)-C3/PT/56.**—The President hereby directs that the following further amendment shall be made in the Post Office 10-year Defence Savings Certificates Rules, namely:—

In the said rules, in item (ii) of Note 1 below sub-rule (1) of rule 12 the word figures "class II" shall be omitted.

S. VISVANATHAN, Dy. Secy.

**THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA**

*New Delhi-1, the 9th May 1956*

**No. 4-CA(1)/2/56.**—In pursuance of Regulation 12 of the Chartered Accountants Regulations, 1949, it is hereby notified that in exercise of the powers conferred by clause (c) of sub-section (1) of section 20 of the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India has removed from the Register of Members, with effect from the 30th day of March, 1956, owing to death, the name of Shri Homi Pestonji Dalal, Senior Administrative Officer, The Associated Cement Cos Ltd., 1, Queen's Road, Bombay (Membership No. 706).

**No. 5-CA(1)/2/56.**—With reference to notification No. 12-A(1)/47, dated the 29th November, 1947, of the Ministry of Commerce, Government of India, it is hereby notified in pursuance of Regulation 14 of the Chartered Accountants Regulations, 1949, that in exercise of the powers conferred by Regulation 13 of the said Regulations, the Council of the Institute of Chartered Accountants of India has restored to the Register of Members, with effect from the 2nd day of May, 1956, the name of Shri Sashadhar Mukhopadhyay, 11/1-B, Kashi Dutt Street, Calcutta-6. (Membership No. 3604).

E. V. SRINIVASAN, Secy.

**MINISTRY OF COMMERCE AND INDUSTRY**

*New Delhi, the 9th May 1956*

**No. 4(31)C.T.(C)/56.**—In the Government of India, Ministry of Commerce and Industry, Resolution No. 48(39)C.T.(A)/54, dated the 2nd September, 1954, the following amendment shall be made:—

Against "Item No. 23" for "Registrar of Co-operative Societies, Madras" substitute "Director of Handlooms, Government of Madras."

A. K. CHAKRAVARTI, Under Secy.

**NOTICE**

*New Delhi, the 11th May 1956*

**No. CCI/SPE/106/56/1780.**—Whereas there is reason to believe that licence No. A 119666/55/AU/CCI/D, dated the 2nd February 1956, valued at Rs. 18,232 for import of Hard Board from the Soft Currency Area except South Africa, granted by the Deputy Chief Controller of Imports, Central Licensing Area, New Delhi, to M/s. Roop Motor Works, Madar Gate, Ajmer, was obtained on the basis of forged Director of Industries certificate, it is, therefore, hereby notified, that the Government of India in the Ministry of Commerce and Industry, in exercise of the powers specified in para 9 of the Imports (Control) Order, 1955, dated the 7th December 1955, propose to cancel the said licence No. A 119666/55/AU/CCI/D, dated the 2nd February 1956, unless sufficient cause against this, is furnished to the Chief Controller of Imports, Church Road Hutments, New Delhi, within ten days of the date of issue of this notice by the said M/s. Roop Motor Works, Madar Gate, Ajmer, or any bank or any other party, who may be interested in it.

(2). In view of what is stated above M/s. Roop Motor Works, Madar Gate, Ajmer, or any bank or any other party who may be interested in the said licence No. A 119666/55/AU/CCI/D, dated the 2nd February

1956, are hereby directed not to enter into any further commitments against the said licence and return it immediately to the Chief Controller of Imports, New Delhi.

**ORDER**

**IMPORT TRADE CONTROL**

*New Delhi, the 19th May 1956*

**No. 7/56.**—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947), the Central Government hereby makes the following further amendment in the Imports (Control) Order, 1955, namely:—

In the said Order for sub-clause (d) of clause 11, the following shall be substituted, namely:—

"(d) by transshipment, or imported and bonded on arrival for re-export as ship stores or otherwise to any country outside India, except Nepal, Tibet, Bhutan and Portuguese Possessions in India; or imported and bonded on arrival for re-export as aforesaid but subsequently released for use of Diplomatic personnel, Consular Officers in India and Officers of the United Nations Organisations who are exempt from payment of customs duty under item Nos. 46—50 of Notification No. 33-Cus., dated the 22nd June, 1935 of the Government of India in the late department of Finance (Revenue Division)."

S. N. BILGRAMI, Joint Secy.

**MINISTRY OF EDUCATION**

**INDIAN HISTORICAL RECORDS COMMISSION**

*New Delhi-2, the 10th May 1956*

**No. F.92-8/52C.1(A-2).**—In partial modification of the Government of India, Ministry of Education notification No. F.92-8/52A-2, dated the 13th January, 1953, Shri S. N. Hirannayya I.A.S., Director of Public Instruction, Mysore, is appointed to represent the Government of Mysore as an ordinary member of the Indian Historical Records Commission in place of Shri J. B. Mallardhya.

D. CHAKRAVARTI, Under Secy.

*New Delhi-2, the 10th May 1956*

(The following Resolution should be substituted for Resolution No. F.43-43/50-B.1, dated 20th August, 1951 which appeared in Gazette of India, Part 1, Section 1, dated 1st September, 1951).

**RESOLUTION**

*Regarding: Formation of the Delhi Library Board*

**No. F.17-1/56-B.2.**—Government of India had established in cooperation with Unesco a Pilot Library in Delhi, called Delhi Public Library in 1951. During this period of five years, the Library has made gratifying progress and it has, therefore, been decided to place it on a permanent basis. The object is to provide for the people of Delhi State a public library service and a community centre for popular education which may serve as a model for all public library development in India, and offer its advisory services to neighbouring countries if they wish to avail of them. The Library shall serve the needs of popular education without distinction of class, creed, occupation or race, and cater specially to those of neo-literates and children.

Whereas it is expedient to establish an organization to manage the library.

It is hereby resolved as follows:

1. A Board called the Delhi Library Board shall be constituted.
2. The headquarters of the Board shall be at Delhi.
3. The Board shall be responsible for its working to the Ministry of Education, Government of India.
4. The Board shall consist of:—
  - (a) A Chairman, to be nominated by the Hon'ble Minister for Education, Government of India.
  - (b) Secretary of the Board, who will be ex-officio member of the Board.
  - (c) One member to be nominated by the Education Department, Delhi.

- (d) One member to be nominated by UNESCO.
- (e) Two members representing the Government of India to be nominated one each by the Ministries of Education and Finance.
- (f) One member to be nominated by the Chief Commissioner, Delhi.
- (g) One member to be elected by the Delhi Municipal Committee.
- (h) One member to be elected by the Delhi District Board.
- (i) One member to be appointed by the municipal bodies in Delhi State—except the Delhi Municipal Committee—in rotation for a two years period—the order of rotation to be determined by the Ministry of Education.
- (j) Not more than four experts whose technical qualifications or special experience are likely to be useful to the Board in its work to be co-opted by the Board.

5. Members, including co-opted members, of the Board shall hold office for a period of two years from the date of nomination or election provided that the nominating authority will have the power to change their nominees.

6. Any vacancy in the Board shall be filled in accordance with the provision of paragraph 4.

7. The Board shall have the following powers:—

- (i) To purchase—subject to budget provision—acquire take over and accept by way of assignment, gift or otherwise, books, pamphlets, newspapers, periodicals, charts, posters, gramophone records, films and microfilms for the use of children and adults and also such other material as may be required by the Board for the proper discharge of its functions.
- (ii) To issue for use in the Library or for use at home and to lend out to different libraries, adult education centres and community centres books and pamphlets, in accordance with Rules and Regulations to be framed by the Board.
- (iii) To acquire and hold any land or building as well as maintain, repair and alter the building required for the purposes of the Board.
- (iv) To publish, sell and distribute papers, pamphlets and information useful for members of the Library.
- (v) To receive and accept grants-in-aid, donations, and gifts, moneys, land, building, stocks, funds, shares, security and any other property whatsoever which is necessary for the purposes of the Board.
- (vi) To make and carry out any arrangement for joint working with or co-operation of any other Society or body, whether incorporated or not, in carrying on any work similar to that of the Board.
- (vii) To deposit all money and funds of the Board with a Bank approved by the Ministry of Education, Government of India.
- (viii) To engage the necessary staff, other than the Director, who will be appointed by the Ministry of Education, and to secure the services necessary for the efficient running of the Library and to grant, maintain, continue and pay such wages, salaries, pensions, gratuities, contribution towards provident fund or other sum as remuneration of the service as may from time to time be sanctioned by the Board, provided that the terms and conditions of services of employees of the Board are not in any way more favourable than those prescribed for comparable Government servants.
- (ix) Every year in the month of January, a list shall be filed with the Registrar, Joint Stock Companies, of the names, addresses and occupations of the members of the Board then entrusted with the management of the affairs of the Board.
- (x) To do such other acts and things as may be incidental or conducive to the attainment of any of the purposes of the Board and the exercise of any of its powers.

8. The Board shall work under the general direction and control of Government of India, in the Ministry of Education. In particular:—

- (a) The Ministry of Education shall have the right to address the Board with reference to any work conducted or done by the Board.
- (b) The Board shall report to the Ministry of Education such action, if any, as is proposed

to be taken or has been taken upon the latter's communications.

- (c) If the Board does not, within a reasonable time, take action to the satisfaction of the Ministry of Education the latter may, after considering any explanation furnished or report made by the Board, issue such directions, consistent with this Resolution, as it may think fit and the Board shall comply with them.
- (d) In any emergency which, in the opinion of the Ministry of Education, requires that immediate action shall be taken, it may take such action, consistent with this Resolution as it deems necessary without previous consultation with the Board, but shall forthwith inform the Board about it.

The following shall be the office holders of the Board:—

- (i) Chairman. (ii) The Secretary.

10. (a) Where any vacancy occurs in the office of the Chairman, Ministry of Education shall, as soon as possible make such arrangements as it may think fit for carrying on the duties of that office till the appointment of the next Chairman by the Minister of Education.

(b) It shall be the duty of the Chairman to see that this Resolution and the regulations framed thereunder are faithfully observed and he shall have all powers necessary for this purpose.

(c) The Chairman shall have the power to convene meeting of the Board giving a week's notice and shall call a meeting at any time on a requisition signed by not less than four members of the Board. The meetings of the Board shall be held at least twice a year.

(d) In any emergency arising out of the administrative business of the Board which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman may take such action as he may deem necessary but he shall report his action to the Board at its next meeting.

(e) The Chairman shall exercise such other powers as may be prescribed in the Regulations.

11. In the absence of the Chairman from any meeting of the Board, the members present shall elect a Chairman for the time being from among themselves.

12. (a) The Director of the Library shall be the Secretary of the Board.

(b) The Secretary shall, subject to the control of the Board, be the Chief Administrative Officer of the Board. He shall be responsible for seeing that the orders of the Board are carried out.

(c) The Secretary shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted. He shall prepare and submit to the Board for its approval an annual statement of accounts and budget estimates.

(d) The Secretary shall exercise such other powers as may be prescribed in the regulations.

13. (a) The Board shall appoint such committees as it may deem necessary for the proper execution of its business.

(b) Such committees shall consist of such members of the Board and other persons, if any, as the Board in each case may appoint.

(c) The committees may co-opt, with the previous approval of the Board, such persons, as have special technical qualifications and experience relevant to the purpose for which the committees are appointed.

14. The Board may make regulations for the purpose of carrying into effect the provisions of this Resolution provided that the regulations of the Board shall not take effect until they have been approved by the Ministry of Education, who may approve or disallow or remit them to the Board for further consideration.

15. No act or proceeding of the Board or of a committee appointed by it shall be invalidated merely by reason of existence of a vacancy or vacancies among the members.

16. The Board and its committees may make bye-laws consistent with this resolution and the regulations for carrying on their business.

17. (a) The accounts of the Board shall be subject to audit by an authority appointed by the Comptroller and Auditor General of India.

(b) The Board shall, at the time of audit, cause to be produced before the auditors all accounts, registers, documents and subsidiary papers which the auditors may require for their purpose:

Provided that if the documents are confidential, the auditors before whom they are produced shall not disclose their contents to anybody.

(c) A copy each of the audited account and the statement of annual income and expenditure together with a copy of the auditor's report shall be submitted to:—

- (i) The Secretary, Ministry of Education,
- (ii) The Chief Commissioner, Delhi,
- (iii) President, Delhi Municipal Committee.

The Ministry of Education may offer its remarks thereon and communicate the same to the Board. If the Chief Commissioner, Delhi or the President, Delhi Municipal Committee has any comments to offer, he shall communicate them to the Ministry of Education.

18. Any number not less than three-fifths of the members of the Board with the previous sanction of the Ministry of Education may determine that the Board shall be dissolved and thereupon it shall be dissolved forthwith or at the time then agreed upon by the Board with the permission of the Ministry of Education. If upon the dissolution of the Board, there shall remain after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Board or any of them, but shall be dealt with in such manner as the Ministry of Education may determine.

19. The Government of India shall make every effort to publicize the project and make known the experience acquired in developing it with a view to encouraging the establishment of other public libraries.

20. The Government of India have further decided that the Board shall be registered under the Registration of Societies Act (XXI) of 1860.

21. Any modifications or amendments that may be considered necessary in the Constitution of the Board, shall be made by the Ministry of Education.

K. G. SAIYIDAIN, Secy.

## MINISTRY OF HEALTH

### NOTICE

New Delhi, the 15th May 1956

**No. F.28-203/55-M.I.**—It is hereby notified for general information that Shri Kaushal Kishore Bhargava, Retired Superintendent of Post Offices, Faizabad, U.P., has donated to the Government of India, Ministry of Health, a sum of Rs. 1,000 on the condition that the amount donated by him will be kept in the safe custody of the Government and that the interest accruing therefrom will be utilised for the relief of human ailments and to help approved institutions working for the care and cure of those suffering mentally or physically in any form.

M. K. KUTTY, Dy. Secy.

## MINISTRY OF RAILWAYS

### (Railway Board)

New Delhi, the 8th May 1956

**No. F(X)II/50/TX/12/13.**—In exercise of the powers conferred by clause (3) of section 135 of the Indian Railways Act, 1890 (IX of 1890), the Central Government hereby directs that the following amendments shall be made in the Notification of the Government of India in the Railway Department (Railway Board) No. 219, dated the 24th August, 1911, specifying the taxes payable in aid of certain local authorities by the Administration of the ex-Bengal Nagpur Railway (now South-Eastern Railway), namely:—

In the Schedule annexed to the said Notification the entries relating to the 'Nagpur Civil Station Sub-Committee' and 'Nagpur Municipality' shall be omitted.

2. This Notification shall be deemed to have taken effect on the 12th April, 1947 in the case of the Civil Station Sub-Committee, Nagpur, and 15th July, 1947 in the case of Municipal Committee, Nagpur.

P. N. RAINA,

Deputy Director, Finance (Expenditure).

New Delhi, the 16th May 1956

**No. 56/W/160/7.**—It is hereby notified for general information that the Government Inspector of Railways, Bombay having inspected the Gop Katkola Section of the Western Railway, a length of 2023 miles on the Metre Gauge, authorised its opening for the public carriage of passengers with effect from 1st April 1956. This line was opened to goods traffic on 16th December, 1955.

The Railway Board after considering the Report of the Government Inspector of Railways, Bombay, have confirmed his action.

## RESOLUTION

New Delhi, the 15th May 1956

**No. F.(E)56/IT/1/1.**—It is announced for general information that the rate of interest on subscriptions and contributions and balances at credit on the 31st March, 1956 of the subscribers to certain Provident Funds, as determined by the approved method (*vide* Government of India, Ministry of Finance Resolution No. F.25(1)-EV/56 dated the 29th March 1956) is 3.75 per cent. This rate will be in force during the financial year beginning on the 1st April, 1956, and except in the case of subscribers who are entitled under the rules of the Funds to a higher minimum rate of interest, will apply to the State Railway Provident Fund.

D. C. BAIJAL, Secy.

## MINISTRY OF TRANSPORT

### (Transport Wing)

## RESOLUTION

New Delhi, the 15th May, 1956

**No. 26-MT(18)/54.**—In partial modification of the Ministry of Transport Resolution No. 26-MT(18)/54, dated the 16th August, 1955, Shri H. L. Murray has been appointed as the representative of the Owners/Agents' Committee (Crews), Bombay, on the National Welfare Board for Seafarers *vice* Shri A. Kirkwood Brown.

N. M. AYYAR, Secy.

## MINISTRY OF PRODUCTION

New Delhi, the 2nd May 1956

**No. 12(3)/55.Cot.Ind.I.**—The Government of India have decided to expand the terms of reference of the Ambar Charkha Committee, set up *vide* Resolution No. 12-Cot.Ind.(I)(3)/55, dated the 5th March, 1956, to include the following:—

"The economic implications of supplying yarn, manufactured by the Ambar Charkha, for the handloom industry, indicating:

- (i) the cost of production of yarn;
- (ii) subsidy required for the production and distribution of yarn;
- (iii) subsidy required for the production and distribution of the Ambar Charkhas;
- (iv) the difference in the cost of supplying yarn to handloom weavers, as between the yarn manufactured by the Ambar Charkha and yarn reeled by the mills;
- (v) the income of the individual spinner, operating the Ambar Charkha."

The following persons will constitute a Sub-Committee under the Chairmanship of Shri S. S. Khara to deal with the economic aspects of the Ambar Charkha:—

1. Dr. Gyan Chand, Delhi.
2. The Deputy Secretary, Ministry of Finance (P.E.N. Division), New Delhi.
3. Shri Morarji Vaidya, President, Indian Merchants' Chamber, Bombay.
4. Shri S. V. Iyer, Chief Cost Accounts Officer, Ministry of Finance, New Delhi.

A. ZAMAN, Joint Secy.

## MINISTRY OF LABOUR

New Delhi, the 10th May 1956

No. LR.100(38)/55.—The following decision of Shri Salim M. Merchant, Member, Labour Appellate Tribunal, in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955, by the notification of the Government of India in the Ministry of Labour No. S.R.O. 3787, dated the 21st December 1955, is hereby published for general information.

BEFORE SHRI SALIM M. MERCHANT, MEMBER,  
LABOUR APPELLATE TRIBUNAL OF INDIA,  
MADRAS.

REFERENCE (BK) MADR. 1/1956

Workmen of the Canara Bank Ltd., Mangalore represented by the Canara Bank Employees' Union, Madras.

and

The Canara Bank Ltd., Bangalore.

Madras, dated the 30th day of April 1956

In the matter of reference under sub-section (1) of Section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955).

## APPEARANCES:

Shri K. G. Kamath, Secretary, Canara Bank Employees' Union for the workmen.

Shri P. Sarvothuma Naik, General Manager, Canara Bank Ltd., for the Bank.

Industry: Banking.

## DECISION

The Government of India by Ministry of Labour Order No. S.R.O. 3787, dated 22nd December 1955, made in exercise of the powers conferred by sub-section (1) of Section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955), was pleased to refer for my decision three matters specified in the schedule to the said Order relating to the interpretation of the award of the All-India Industrial Tribunal (Bank Disputes), Bombay, constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated 25th January 1952, as modified by the decision of the Labour Appellate Tribunal in the manner referred to in Section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955). These matters were raised by certain workmen of the Canara Bank Ltd., who are represented by the Canara Bank Employees' Union, Madras.

2. After the said Order was published in the Government of India Gazette Part 2, Section III, dated 31st December, 1955 at pp. 2515-2516, the parties were called upon to file their respective written statements. The Canara Bank Employees' Union (hereinafter called the Union) representing the workmen, filed its statement of claim on 23rd January, 1956 supported by an affidavit of the same date of its General Secretary, Shri K. G. Kamath. The Management of the Canara Bank Ltd. (hereinafter called the Management) filed its written statement in reply on 6th February 1956 to which the Union filed a rejoinder in the nature of a supplementary statement on 27th February, 1956. In reply to the affidavit of Shri K. G. Kamath, the management on 7th March, 1956, filed the counter affidavit of Shri B. V. Bhandary, the Staff Officer of the Bank (Ex. D). The hearing commenced before me on 5th March, 1956 and was continued till 9th March, 1956 on which date, on an application for an adjournment on behalf of the management on the ground that its General Manager, Shri P. S. Naik, who was arguing the matter before me, had taken ill, the hearing was by consent adjourned to 18th April, 1956. The hearing thereafter continued till 19th April, 1956 and after the parties filed certain statements and particulars on 24th April, 1956, the enquiry was concluded.

3. It is necessary to state that during the hearing of this reference two applications were filed by two clerks of the bank Shri C. M. Chennappa and Shri K. Srinivas, application No. Bk.Madr.1/56 and application No. Bk.Madr.2/56. These two applications purported to be complaints under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950. As it appeared doubtful whether I had powers under the Industrial Disputes (Banking Companies) Decision Act, 1950, to entertain these applications notices were issued upon the said two applicants to argue on the maintainability of their applications. At the hearing on 19th April 1956, applications were filed on behalf of both

these clerks praying for permission to withdraw the applications, as the parties were seeking remedies elsewhere. I, therefore, allowed the applications to be withdrawn.

4. Before dealing with the three matters specified in the Schedule to the Government Order of Reference herein, it is necessary to state that under the provisions of Section 6(1) of the Industrial Disputes (Banking Companies) Decision Act, 1955, the only power that I have in deciding these three questions is to interpret the portions of the award which have given rise to difficulties and doubts between the parties and under Section 6(2) to give my decision thereon, and all questions or requirements of social justice would be irrelevant for the purposes of this enquiry.

5. The first matter over which differences and difficulties have arisen between the parties is with regard to the payment of special allowance to the assistant accountants in the bank, and the question which has to be decided has been stated in the following terms in the Government's Order of Reference:—

"(1) whether the Assistant Accountants in the Canara Bank Limited, should be treated as coming under the category of sub-accountants and paid the special allowance of Rs. 45 per mensem in accordance with the directions contained in paragraph 164(b) of the award of the All India Industrial Tribunal (Bank Disputes), Bombay, constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th January 1952, modified as aforesaid."

6. Chapter X of the award of the All India Industrial Tribunal (Bank Disputes), Bombay, (hereinafter referred to as the Sastry Award) dealt with the question of special allowances and by paragraph 164(b) of the Award special allowances in addition to their basic pay were awarded to various categories of bank employees enumerated therein. The quantum of special allowances awarded varies according to the Class to which the bank belongs. Item 9 in paragraph 164(b) relates to payment of special allowances among others to Sub-Accountants, for whom a special allowance of Rs. 50, 45 and 40 per month, was awarded in A, B and C Class banks respectively. It is admitted that in the Award the Canara Bank Ltd. is classified as a "B" class bank. For Sub-Accountants of "B" class banks the special allowance fixed was Rs. 45 per month and this was confirmed in appeal by the decision of the Appellate Tribunal (hereinafter referred to as the Jeejeebhoy Decision).

7. In paragraph 167 of the Sastry award the question of payment of special allowance to Accountants and sub-Accountants has been specifically dealt with and both parties have very rightly laid emphasis upon the observations and directions contained therein. I, therefore, think it necessary to reproduce that paragraph of the Sastry Award in full.

"167. The case of accountants should be referred to specially. In several cases they will indisputably be officers. It is difficult to lay down a hard and fast rule in respect of them. An accountant oftentimes is the second officer in charge of branches, particularly where the branches are comparatively small. In big banks where there is a hierarchy of officers there may be chief accountant, accountants and sub-accountants. In most of those cases the "accountants" will probably be officers. There will however be incumbents of such posts, though going under the dignified designation of accountants who are in reality only senior clerks doing higher type of clerical work involving an element of supervision over other clerks as part of their duties. In such cases where they can properly be regarded as workmen, the minimum allowances which we have fixed for sub-accountants would equally apply to them."

8. There is admittedly no category of sub-accountants in this bank. But it is urged by the Union that the assistant accountants in this bank are like sub-accountants in other banks and are performing the duties referred to in paragraph 167 of the Sastry Award and are, therefore, entitled to the special allowance of Rs. 45 per mensem fixed for sub-accountants of "B" class banks, by paragraph 164(b) of the Sastry Award.

9. In support of its claim the Union has stated that in about June 1951 the management decided to train certain number of senior members of its clerical staff for the post of assistant accountants. The training



was to be intensive and for about a period of six months after which a test was to be held. Ex. I is a copy of General Manager's letter dated 28th June, 1951, to one of the clerks, who was selected for such training. In the concluding portion of the letter it is stated, "the employee found successful in the test will be promoted as assistant accountant and as an incentive will be given an increase of not less than Rs. 10 in the total salary now drawn with retrospective effect from 1st July 1951". It appears that at that time about 64 clerks were selected for such training. Exs. 2 and 3 show the subjects in which the selected clerks were to be trained. After this training a test was taken in about November 1951 and with the exception of a few, all the 64 clerks passed the test and in December 1951 they were confirmed in the posts of assistant accountants and were informed that they would draw assistant accountants allowance of Rs. 10 per mensem with effect from 1st July 1951, subject to adjustment in terms of the scales of salaries which may be prescribed in the next Bank Award (Ex. 4).

10. Thereafter, the General Manager by his Circular letter No. 127/51 on the subject of further training of assistant accountants addressed all Managers of the bank's branches in the following terms. This is an important document and I therefore reproduce it in full:—

*"Sub: Further Training of Assistant Accountants*

Assistant Accountant Trainees, after having passed the examination, are being confirmed as Assistant Accountants. Some are already so confirmed and some others will be so confirmed in due course.

It is now necessary that these able young men should be provided with opportunities for getting further training. This should be done by putting them in supervisory charge of the work of 2 to 4 juniors. They should be made responsible for training the juniors under them and for supervising and guiding them in their day to day work. They should be made clearly responsible for any irregularities in the work of those under their charge. When this is done, the Assistant Accountants get opportunities to learn supervisory techniques; for, training juniors and guiding them from day to day are two fundamental supervisory duties.

Incidentally, this will have 2 more good results. Firstly, the juniors will be more intensively trained and secondly, the Branch Managers will be relieved of some of their routine duties. This will enable the Branch Manager to devote more time and energy to the development of their respective branches.

All Branch Managers are, therefore, requested to give supervisory duties to their Assistant Accountants as suggested above.

(Sd.) P. SARVOTHUMA NAYAK,  
General Manager.

Office of the Bank, Bombay,  
20th December 1951.

To all Branches.

Copy to Head Office, Distt. Managers, Mangalore,  
Bangalore, Madras and Bombay

Copies to all Assistant Accountants."

11. It is admitted that thereafter in about August 1952, 43 out of these 64 assistant accountants were promoted as accountants, and they are getting the special allowance of Rs. 45 per mensem. It is also admitted that later some clerks were directly promoted as accountants and they are also getting the special allowance of Rs. 45 p.m. The present dispute between the parties, however, relates to the remaining 21 assistant accountants, who are listed in a joint statement filed by the parties and marked Ex.L. Out of these 21 assistant accountants, 5 were appointed as assistant accountants many years prior to 1951. Of these 21 assistant accountants one is admittedly now posted in the bank's branch at Karachi in Pakistan and is therefore, not concerned in this reference and one is at present under suspension.

12. With regard to this allowance of Rs. 10 per month, the Assistant Accountants were paid the same from July 1951 till the Bank implemented the Bank Award in November 1954, after which payment of this allowance was stopped. The Union's complaint is that in implementing the Award, the Management had so adjusted the emoluments of the Assistant Accountants so as to wipe out the allowance of Rs. 10 per month and had put their scales on par with those of routine clerks, without giving them the benefit of the special allowance of Rs. 45 per month. According to the Union, the Management had punished the Assistant Accountants doubly by not granting them

the special allowance of Rs. 45 per month and at the same time negating the promotion which the Management had thought appropriate for them.

13. The Management's case on the other hand as stated in its written statement is that assistant accountants are clerks to whom the clerical scale of pay and allowances provided by the Award apply. In fitting them into the scales of pay provided by the Award, the Assistant Accountants' allowance was retained in the adjustable difference. The Bank's further contention is that even when the allowance of Rs. 10 per month was granted, it was made clear that the same was, "subject to adjustment in terms of the scales of salary which may be prescribed in the next Bank Award". The adjustment therefore under the Award as a result of which the assistant accountants' allowance got transferred to the adjustable difference is a natural consequence of the terms upon which the said allowance had originally been granted.

14. The fact, however, remains that the assistant accountants were promised and paid this extra allowance of Rs. 10 per month, because of the more responsible work and certain supervisory duties which they were to perform after they had been intensively trained for a period of six months and thereafter tested and confirmed as assistant accountants. This appears clear from the General Manager's circular (Ex. 5). It does appear to me that by stopping this allowance and by adjusting it in the awarded salary scale, the Management may have been technically in the right, but all the same the intention and purpose with which this allowance was originally granted, appears to have been lost.

15. The Union in support of its claim has also relied upon the provisions contained in the Service Code of the Bank (Ex. 6). Chapter III of the service code refers to the organisation and classification of staff. Reference has been made to clause 13(1) in Chapter III, where clerks are described as employees who are appointed as such and charged with the duties and functions of clerical nature. Sub-clause (ii) of clause 13, states that an assistant accountant shall be deemed to be a clerk notwithstanding that some of his functions may be those of an officer. Clause 14 provides that among clerks ranking shall be as follows: (1) assistant accountants and (2) other clerks. Chapter VII of the Code is headed "Particular duties of Officers and Assistant Accountants" and assistant accountants are also referred to specifically in clause 5(2) thereof, where it is stated that assistant accountants shall perform such duties as are assigned to them. Sub-clause 3 of clause 5, of Chapter VII, provides that Assistant Branch Managers, Accountants and Assistant Accountants shall be primarily responsible for the due execution of the work they are required to do or supervise at the branch and Clause 6 provides that it shall be the duty of all Officers and Assistant Accountants to thoroughly acquaint themselves with the Manual of Instructions and all Regulations, Rules, Circulars, etc. in force in the bank. It further provides that it shall be their duty to guide and instruct all probationers and apprentices placed under them, clear their doubts, if any, and generally to help them to pick up work and experience.

16. These provisions of the Service Code read with the General Manager's circular (Ex. 5) make it abundantly clear that in this Bank the cadre of assistant accountants was created with a view to make them shoulder more responsible work than ordinary clerks and also supervise the work of junior clerks, probationers and apprentices under them.

17. It is the Union's case that these assistant accountants are senior clerks doing higher type of clerical work involving an element of supervision over other clerks as part of their duties as was envisaged by paragraph 167 of Sastry Award and that therefore they are entitled to the special allowance of Rs. 45 p.m. awarded by paragraph 164 (b) of the Sastry Award. The bank's contention, on the other hand, is (1) that the special allowance provided by paragraph 164(b) of the Sastry Award is payable only for and in respect of supervisory work, (2) that such allowance is to be restricted only to the period during which the employee concerned does or discharges supervisory function, and (3) that no employee can be said to perform or discharge supervisory duties unless he has one or more clerks working under him and he exercises supervision, superintendence and control over the work of such clerks. The bank's case briefly stated is that under the Sastry Award the special allowance is reserved only for supervisory duties and for these who are in charge of a department or a section. It has in that connection referred to the observations made in para 328 of the Sastry Award. In para 328 the question discussed was as to who constitute "workmen" to whom the award would be applicable. On that point the question was

as to who were "officers" and who were "workmen" as defined by Section 2(s) of the Industrial Disputes Act, 1947. From a discussion in paragraph 328 it appears clear that it was urged on behalf of the Banks that even the exercise of normal supervisory work short of what is described as directional and controlling powers, would be sufficient by itself to take an employee out of the category of workmen. That proposition was negated by the Sastry Award. It was there observed: "most often supervisory work is entrusted to senior clerks who have experience of that kind of work and who as sectional heads can supervise similar work of clerks under them, that supervision in the banking industry, cannot be regarded as a clear dividing line between the clerical and officers' work. In this respect the peculiarity of the industry must be kept in view and no hard and fast rule can be laid down". It is thus clear that even those who exercise a certain amount of supervisory work would be classified as falling in the general category of clerks and would not be ranked as officers exercising directional and controlling authority and this is exactly the Union's contention. Its claim is that the assistant accountants are like senior clerks doing higher type of clerical work, involving an element of supervision over other clerks, as part of their duties. The company has laid emphasis on the words "only senior clerks doing higher type of clerical work involving an element of supervision over other clerks as part of their duties" occurring in paragraph 167 of the Sastry Award and its contention is that supervisory work necessarily implies that there are certain number of clerks over whose work such supervision is to be exercised. The Bank's case is that in fact the assistant accountants are not exercising any supervision over any department or section or over any clerks under them and are, therefore, not entitled to receive such special allowance under any of the heads set out in paragraph 164(b). It is conceded by both parties that designations do not count and what matters is the work done and duties discharged. It was however, urged on behalf of the bank that the designation "assistant accountant" was merely a title and did not carry any higher responsibility than that of an ordinary clerk. It was also urged that assistant accountants after they were confirmed as such, continued to be trainees for officers' post. In my opinion, neither of these two contentions has any substance. It is clear from the General Manager's circular dated 22nd December 1951 (Ex. 5) and the classification of assistant accountant in the service code as holding a higher post than that of ordinary clerks, that assistant accountants constitute a special-cadre in the bank, holding a higher position and discharging more responsible work than ordinary clerks, and that they exercise supervisory powers, without at the same time being classified as officers. I am convinced that the cadre of Assistant Accountants was created, not with a view to confer empty titles on some clerks, as was seriously urged by Sri P. S. Naik, but with the two-fold object and purpose of training and equipping intelligent and promising clerks for ultimately holding officers' posts and with a view to relieve Branch Managers of some of their routine duties, so that they may be able to devote more time and energy for the development of the branches. I am of the opinion that the Assistant Accountants in this Bank are a separate cadre of employees—who though for the purposes of salary etc. would be classified as clerks, are holding a position mid-way between clerks and officers of the Bank and that they do in fact exercise an element of supervision over other clerks as part of their duties. I am not satisfied that these Assistant Accountants are continuing to be mere trainees for officers' posts. Some of these Assistant Accountants have now been holding these posts for 4 or 5 years consentively. If they are to be treated as trainees for posts of officers, there would surely be some time-limit fixed within which their training would be completed. In this connection, it is significant to note that the Bank now has a scheme by which graduates are taken up for being trained as officers, within a fixed period of years.

18. The bank in its written statement has listed the duties performed by assistant accountants and at the hearing it has also filed a statement showing what are the duties performed by assistant accountants in its several branches (Ex.G). The Bank has also relied upon extracts from the Office Order Book of its G.N. Street Branch, Madras, which shows the duties performed by the staff in that Branch, including the Assistant Accountants (Ex.E). The Union, on the other hand, has filed a statement showing duties performed by the assistant accountants which are of a supervisory nature and/or constitute higher type of clerical work (Ex. 42). Both parties have also addressed me at length on this point. The Union in particular has relied upon the manuals of instructions of the bank relating to various subjects, such as, Demand Bills, Discounting, Drafts and Mail Transfers. Filing and

Correspondence, Interest Collected Account, Manual of Instructions on O.S.C., Head Office Account, Inward Sights for collection, Sundry Liabilities Account and Telegraphic Transfers (Exs. 32 to 40) and has marked therein the duties which according to it are performed by assistant accountants. There is, however, no agreement between the parties as to all the duties performed by Assistant Accountants. The Union has relied upon certain orders issued by the management of the bank which go to show that assistant accountants are in fact exercising supervision over clerks in their Branches and that the management expects those duties to be performed by them. Ex. 31 is a letter dated 16th May 1955 addressed by the Manager of the G. N. Street Branch, Madras, to an assistant accountant (Shri K. R. Narsimha Rao) in which his attention is drawn to the fact that the return of dishonoured cheques are not prepared by the ledger keepers on the due dates and that the assistant accountant did not appear to make any efforts to get the work done by them. In the concluding paragraph of the letter the Assistant Accountant was directed not to allow such state of affairs to continue. Reliance has also been placed by the Union upon certain letters addressed by the Managers of the branches to clerks, pointing out certain mistakes committed by them in the discharge of their duties, copies of which were forwarded for the attention of the assistant accountants of the branch, who appeared to have checked the work (Exs. 7 & 8). In Ex. 8 the assistant accountant, who had checked and signed the particular branch advice, was called upon to explain how the mistake was not detected. Reliance has also been placed on two office orders, (Exs. 9 and 10) by which assistant accountants were asked to do certain checking work in addition to their normal duties. It was sought to be argued by the Bank that checking work does not amount to Supervisory work and Sri P. S. Nayak seriously argued that the checking work was like work of proof correcting. I am not satisfied that that is a proper analogy. In my opinion this checking work done by the Assistant Accountants when along with their duties does in reality involve an element of supervision. Ex. 30 is the copy of a letter by a Staff Officer addressed to an Assistant Accountant (Shri N. Ramamoorthy) requesting him to postpone his leave because an accountant and an officer-trainee of the branch has been granted leave. Reliance has also been placed on Ex. 29, being an order on an application for leave made by an employee of the bank. In requesting that the leave may be postponed it was stated that two supervisory staff would be on leave on 5th May 1955. The two supervisory staff referred to therein were admittedly two assistant accountants. The collective effect of all this documentary evidence and the fact that two of the Assistant Accountants hold powers of attorney from the Bank is that Assistant Accountants in the bank are without doubt supervising the work of certain clerks and apprentices in their branches and that the management itself regards them as supervisory staff and holds them responsible if mistakes are committed in the exercise of such supervisory duties.

19. The Management has referred to a discussion in para 117 of the Sastry Award. That discussions, however, related to D class banks who have small branches where only one or two clerks are employed. This as I have pointed out is a B class bank. From a statement filed by the management, Ex. J, it is clear that out of the 15 branches, including the administrative office of the bank at Bangalore, where Assistant Accountants are working, there are only two branches in which more than one assistant accountant is appointed. These two branches are the Bank's administrative office at Bangalore and the G. N. Street Branch at Madras, where two and four assistant accountants respectively are employed. In these two Branches of the Bank proportionately more officers are posted in view of the fact that greater administrative and other general work is done in these Branches than in the other branches of the Bank. It is further noticed that in most of these branches there are a number of clerks including probationary clerks and apprentices. If the total number of clerks including probationary clerks and apprentices is taken into account, the number of assistant accountants does not appear to be out of proportion and the contention of the bank on this point loses all force.

20. Relying upon the observations made in para 168 of the Sastry Award it was also argued by the Bank that the special allowance should be only paid for the period during which the supervisory work was done by the Assistant Accountants. I am of the opinion that the management has not correctly appreciated the discussion in para 168 of the Sastry Award. In that paragraph the Tribunal was discussing the cases of junior assistants and senior assistants, which designations were classified by some banks as officers. It was there pointed out that the terms do not indi-



cate the nature of the work entrusted and that irrespective of the designation in so far as the work of Junior Assistants and Senior Assistants falls under clerical work, though of a higher type they must also be entitled to scales of minimum pay, special allowance etc. which have been prescribed for the appropriate kind of work, during such period as they are in charge of that kind of work. That has relation to the period during which the clerk would be officiating as a junior assistant or senior assistant, irrespective of the time devoted each day to such supervisory work.

21. After an anxious consideration of the material placed before me and the submissions of both parties on this point, I am more than satisfied that assistant accountants in this bank are in reality only senior clerks doing higher type of clerical work involving an element of supervision over other clerks as part of their duties as contemplated by paragraph 167 of the Sastry Award and that, therefore, they are entitled to the special allowance of Rs. 45 per month awarded under para 164(b) of the Sastry Award. In the result my finding on issue No. 1 is that assistant accountants in Canara Bank Ltd. should be treated as coming under the category of sub-accountants and be paid the special allowance of Rs. 45 per month with effect from 1st April 1954.

22. I may make it clear that the decision I have given is based on the peculiar facts and circumstances existing in this Bank with regard to its Assistant Accountants and I should not be understood to be interpreting either paragraph 164(b) or paragraph 167 of the Sastry Award as meaning that Assistant Accountants in other Banks would, simply because they have that designation, be entitled to the special allowance.

23. The second matter referred for my decision as stated in the Government Order of reference is as follows:—

“Whether shroffing allowance and godown allowance paid by the Canara Bank Limited to its workmen should be considered as forming part of the monthly emoluments for purposes of paragraph 3(g) of the Order of Government of India in the Ministry of Labour No. S.R.O. 2732, dated 24th August 1954”.

By paragraph 130 of the Jeejeebhoy Decision, the demand for a special allowance for cashiers was rejected. There are also no directions under the Award for payment of godown allowance.

24. It appears that in this bank there were no employees who were solely assigned shroffing or godown work, with the result that those clerks who were asked to do shroffing and godown work were paid a certain additional allowance. In the case of those doing cash work, the amount of allowance was at a fixed monthly rate ranging from Rs. 3 to Rs. 15 per month and the employee concerned was paid a proportionate amount of the allowance on the basis of the number of days in the month he worked as a cashier. The godown allowance depended upon the work done in the godown and the number of trips the employee concerned had to undertake for storage or delivery, the rate being Re. 0-4-0 per trip. The management in implementing the Award, with effect from 1st December 1954 stopped those allowances.

25. Paragraph 3(g) of the Government Notification No. S.R.O. 2732, dated 24th August 1954 is as follows:

After the paragraph beginning with the words “The scales of wages and dearness allowance will cover the category of work known as poddars” and ending with the words “We see no reason to differ from the Sastry Award”, the following paragraph shall be inserted namely:—

“Where, by reason of this Decision as modified by the Central Government by its Order, dated the 24th August 1954 becoming enforceable, the monthly emoluments, inclusive of all allowances of any employee of a bank are less than what he in fact received or would have received in the normal course for the month of March, 1954, the reduction in the emoluments shall not be given effect to at once, but shall be spread over a period of three years from the date on which this decision as modified becomes enforceable, so that on the completion of one year from the date this Decision as modified becomes enforceable, the monthly emoluments of the employee are reduced by one-third of the difference between the emoluments he in fact received or would have received in the normal course for the month of March 1954, and the monthly emoluments to which he is

entitled under this Decision as modified, and on the completion of two years, the monthly emoluments are reduced by a further one-third of such difference and so on”.

26. The Union's case is that under the said Notification of the Government, employees of this bank were entitled to receive for each month up till a period of 12 months from 24th August 1954, the amount of shroffing and godown allowances which they had earned in the month of March 1954. The Union's contention is that the allowance was a part of the monthly emoluments of such employees and was therefore protected by the said Order of Government and that the Bank in withdrawing these allowances on 1st December 1954 had committed a breach of that Order.

27. The bank's case, on the other hand, is that the said Order of Government had only protected, “the monthly emoluments inclusive of all allowances of any employee”. It is urged that under that order only those allowances which were in the nature of monthly payments were protected. The bank's contention is that shroffing allowance is not a monthly allowance paid to an employee but an allowance which is attached to the post of shroff and claimable by an employee only for the number of days or period during which he does cash work. It is submitted that because the rate prescribed is by the month, it does not convert the payment into a monthly emolument for the purposes of the Government Notification because it is paid for the duration of the work and in respect of work which may be for a period of less than a month. With regard to godown allowance, the bank's contention is that the same is paid at a particular rate for particular items of work and upon bills submitted for the purpose. Therefore, the godown allowance does not fall within the meaning of monthly emoluments for the purposes of the Government Order. It is also established by the Bank that the amounts paid during the month of March 1954 on account of shroffing and godown allowance had varied from branch to branch and employee to employee.

28. I am of the opinion that the construction sought to be put by the bank is untenable. What was sought to be protected by the Government Order were the emoluments inclusive of all allowances earned by bank employees as on 31st March, 1954. The allowances were not necessarily meant to be only monthly allowances. The clause “monthly emoluments inclusive of all allowances” to my mind means the monthly basic pay and dearness allowance plus such other allowances at the rate at which such allowances were paid for in the month of March 1954. In my opinion for the purposes of the Government Order, it is not necessary that the allowance should be a monthly allowance, as sought to be argued by the Bank.

29. The Union's interpretation also appears to me to be incorrect. The Government Order did not, in my opinion, contemplate that where an allowance was not a fixed monthly allowance, but variable depending upon the amount of work done and the number of days on which the work was done, nevertheless an employee would be entitled for a period of one year from 24th August 1954 to the amount of shroffing and godown allowance which he may have earned in the month of March 1954. What was intended was that the same rate of shroffing and godown allowance as was paid for in the month of March 1954 should be continued for a period of one year after 24th August 1954, if the work for which the allowance is paid was actually done by a bank employee. In my opinion the Government Order does not mean that an employee of this bank would be entitled to shroffing and godown allowances which he earned in the month of March 1954, irrespective of whether he did or did not do shroffing and godown work during the period of one year after 24th August 1954. What was contemplated was that there will be no change during the period of one year from 24th August 1954 in the rate at which shroffing and godown allowance was paid for during the month of March 1954.

30. I, therefore, hold that the shroffing allowance and the godown allowance paid by the Canara Bank Ltd. should be considered as forming part of the monthly emoluments for the purposes of paragraph 3(g) of the Order of the Government of India in the Ministry of Labour No. S.R.O. 2732, dated 24th August 1954.

31. The third issue referred for my decision is as follows:

“Whether the Canara Bank Ltd. is justified in taking security from all the clerks having regard to the directions contained in para 419 of the Sastry Award and if not whether it should be directed to refund with interest the cash security to any of the clerks”.

32. By paragraph 419 (Chapter XXI) of its Award the Sastry Tribunal observed and directed as follows:—

“We are not satisfied, however, that there should be general provision that every member of the clerical and subordinate staff should be called upon to give security. We think only the clerical staff in the cash departments ledger keepers and godown keepers in charge of stocks should be called upon to give individual securities of their own”.

The Jeejeebhoy Decision (Chapter XV) confirmed these directions and by paragraph 256 further directed that security if taken from all employees, other than of the three categories mentioned in the Sastry Award, should be returned with interest at 4 per cent. per annum from 1st April 1954 if in cash and if in the form of security bonds, the bonds should be deemed to be cancelled.

33. It is admitted that this bank takes the security deposit of Rs. 500 from each member of its clerical staff. The amount is then deposited by this bank in other banks selected by the employee concerned and he is paid the interest which his deposit earns.

34. It is admitted that the bank has not returned the security deposit of any member of its staff. The Bank's submission is that there are no clear categories of employees to whom solely cash, ledger or godown duties are assigned, and clerks are switched on from other departments to do cash, ledger and godown work. It was pleaded that there is no direction in the award that where no differentiation exists between the clerks doing ledger, cash or godown work and the clerks in general, the bank should take steps to have such categories separately demarcated. It was pleaded that in a bank of a size of this bank it is not practicable to have separate categories doing exclusively cash, ledger work, as there are a large number of branches which have 10 employees or less and have very often only one cashier and one ledger keeper. It is further pleaded that it is necessary in the interest of efficient work and maintaining uninterrupted services, to train all clerks to do all types of office work. The management has taken the view that it is not possible for any clerk to say that he is not cashier, nor ledger keeper nor godown keeper and on that ground to ask for refund of his cash security. The Bank has filed a statement Ex. H(L) which shows that in one of its branches, 28 out of 28 clerks had during the month of December 1955 worked either in the cash or godown sections or on ledgers. Statement Ex H(2) shows that in the

Bombay (Fort Branch) a large number of the clerical staff had during several months in 1954 and 1955 worked in cash or on ledgers.

35. I am of the opinion that the difficulties urged by the bank were duly considered by the Sastry Tribunal and also by the Jeejeebhoy Tribunal. It is not within my powers to vary the directions contained in the award and the appellate decision. My duty under this reference is only to interpret the relevant directions of the Award. The alternative before the bank in implementing the award are either (1) to separate the clerks attending to cash, ledger and godown work and continue the security deposit taken from such clerks or (2) to refund the security deposit to all. It cannot, on the ground of practical difficulties, not implement the clear directions contained in the Sastry Award and the Jeejeebhoy Decision. The majority out of the about 130 banks that were concerned in the bank dispute are not insisting upon any cash or other security from their clerical staff. It is quite possible for this Bank to fall in line with the other banks, which are in a majority.

36. My finding, therefore, on this issue, is that the bank is not justified in taking security from all the clerks having regard to the directions contained in para 419 of the Sastry Award and that the Bank should be directed to refund security deposit with interest from 1st April 1954 to all clerks except those whom it specifically categories as clerical staff doing the work of cash department, ledger keepers and godown keepers in charge of stock.

37. Before I part with this matter, I should like to express my appreciation of the manner in which this reference was argued before me by representatives of both parties—particularly by Shri K. S. Sarvothma Nayak, the General Manager of the Bank. The Bank in its written statement has emphasised that it is not its intention to deny its employees any of the benefits or privileges to which they are properly and justly entitled under the Award, and that there are *bona fide* differences on the interpretation of the Award. I am confident that the management will now implement the award in that spirit.

38. This decision is directed to be submitted to Government.

39. No order as to costs.

(Sd.) SALIM M. MERCHANT,  
Member, Labour Appellate Tribunal  
of India at Madras.

R. C. SAKSENA, Under Secy.